TIMOTHY LYLE TAYLOR,
SARA CYNTHIA TAYLOR CHERRY
AND BRYAN DANIEL TAYLOR

NO.: DW.:

14TH JUDICIAL DISTRICT COURT

PARISH OF CALCASIEU

VERSUS

SHETLER LINCOLN MERCURY LTD, FRESTONE TIRE & SERVICE, FORD MOTOR COMPANY, BRIDGESTONE AMERICAS HOLDING, INC., and COOPER TIRE AND RUBBER COMPANY

2 - 22-

PETITION FOR SURVIVAL ACTION AND WRONGFUL DEATH DAMAGES

NOW INTO COURT, through undersigned counsel, come Timothy Lyle Taylor, Sara Cynthia Taylor Cherry and Bryan Daniel Taylor, ell of whom are of the full age of majority who respectfully aver:

1.

Made defendants herein are:

- (A) SHELTON LINCOLN MERCURY LTD, (hereinafter referred to as "SHELTON") domicified in the State of Louisians;
- (B) FIRESTONE TIRE & SERVICE, domiciled in the State of Louisiana, located at 3465 Ryan Street, Lake Charles, Louisiana 70605;
- (C) FORD MOTOR COMPANY, (hereinafter referred to as "FORD") a foreign corporation, domiciled in the State of Delaware, with its principle office located at One American Road, Dearborn, Michigan, and authorized to do and doing business in the State of Louisiana;
- (D) BRIDGESTONE AMERICAS HOLDING, INC. (hereinafter referred to as "BRIDGESTONE"), domiciled in the State of Nevada, and authorized to do and doing business in the State of Louisiana; and
- (E) COOPER TIRE AND RUBBER COMPANY, (hereinafter referred to as "COOPER"), domiciled in the State of Deleware, and authorized to do and doing business in the State of Louisians.

2.

Plaintiffs, TIMOTHY LYLE TAYLOR, SARA CYNTHIA TAYLOR CHERRY and BRYAN DANIEL TAYLOR are the natural born children and were born during the marriage of the decedents, TOMMY GENE TAYLOR and EMOGENE NORTON TAYLOR.

SATE TO

Buit:2006-004413,Date:20060922

3.

TIMOTHY LYLE TAYLOR is domiciled in Boulder, Colorado. SARA CYNTHIA TAYLOR CHERRY is domiciled in Austin, Texas. BRYAN DANIEL TAYLOR is domiciled in Louisiana.

A

The decedent, TOMMY GENE TAYLOR, purchased a new, previously untitled, four door 1998 Mercury Mountaineer from defendant, SHELTON.

5.

On or about September 22, 2005 at approximately 6:40 p.m., and at all relevant times hereto. TOMMY GENE TAYLOR was operating the Mountaineer in a safe and prudent manner in the left tane of Mississippi Highway 98 East, a four-lane median-divided highway located in the State of Mississippi. EMOGENE NORTON TAYLOR was a seatbelted passenger in the rear middle seat of the Mountaineer. Garcia Bogsta was seated in the front passenger seat.

6.

While proceeding on Mississippi Highway 98 East, TOMMY GENE TAYLOR attempted to avoid a slowing vehicle, when suddenly and without warning, the Mountaineer lost its stability and falled to protect its occupants, resulting in the deaths of TOMMY GENE TAYLOR and EMOGENE NORTON TAYLOR.

7.

The aforementioned injuries were caused by a combination of product defects in the 1998 Mercury Mountaineer, which was defective in design, composition and failure to warn of the inherent dangerous characteristics of the vehicle that is subject to loss of control and stability and a roll-over while operating the vehicle under normal and foreseeable conditions, all of which render the Mountaineer unreasonably dangerous pursuant to the Louisiana Products Liability Act, LSA-R.S. 9:2800.51, et seq., the absence of one or more of which defective conditions would have, more probably than not, prevented the injuries which resulted herein. Said defective

conditions consisted of or resulted from the following non-exclusive list of acts and/or omissions:

- in failing to warn users both before and after sale that the Mountaineer was subject to loss of control and stability, which was substantially certain to result in roll-over of the vehicle;
- In the improper and dangerous design of the vehicle;
- c. In falling to properly teet and inspect the vehicle; and
- Other acts and/or omissions of negligence which may be further discovered during the trial of this matter.

8.

Defendant, Ford Motor Company, as designers, manufacturers, distributors and selfers, as well as through their marketing of this product, made implied and express warranties that the Explorer was reasonably fit for the general and foreseeable uses and purposes intended and that it was free of any defects in its design or construction.

9

Defendant, Shelton Lincoln Mercury LTD marketed and sold the Mountaineer to TOMMY GENE TAYLOR and EMOGENE NORTON TAYLOR.

10.

Shelton Lincoln Mercury LTD, its salesman, management and staff deceptively induced TOMMY GENE TAYLOR and EMOGENE NORTON TAYLOR to purchase the Mountaineerto by failing to disclose to TOMMY GENE TAYLOR and EMOGENE NORTON TAYLOR the redhibitory defects associated with the Mountaineer, particularly its instability and roll-over characteristics, all of which constitutes negligence and fault.

11.

Upon information and belief, had TOMMY GENE TAYLOR and EMOGENE NORTON TAYLOR been informed by Shelton Lincoln Mercury LTD and those for whom it is responsible that the Mountaineer was susceptible to instability, loss of control and for roll-over during reasonably foreseeable driving conditions, the decedents would not have purchased the vehicle.

12.

Upon information and belief, SHELTON was aware of the defects contained in the BRIDGESTONE Firestone Wilderness A/T tires mounted on the Mountaineer, and/or serviced the tires on the Mountaineer, and failed to warn the decedents of the defective nature of the tires.

13,

Upon information and belief, Defendant, FIRESTONE TIRE & SERVICE installed Firestone and Cooper tires on the Mountaineer, which were defective in their design, manufacture and/or not properly mounted on the wheel and/or vehicle, and/or were not properly fitted for the vehicle, all of which contributed to the loss of control of the Mountaineer, the decedents' death and plaintiffs' damages.

14.

Upon information and belief, COOPER defectively designed and manufactured the two front tires on the Mountaineer, which contributed to the loss of control of the Mountaineer, the decedents' death and plaintiffs' damages.

15.

Upon information and belief, BRIDGESTONE defectively designed and manufactured the two rear tires on the Mountaineer, which contributed to the loss of control of the Mountaineer, the decedents' death and plaintiffs' damages.

16.

Upon information and belief, TOMMY GENE TAYLOR and EMOGENE NORTON TAYLOR survived the initial crash but died thereafter as a result of their injuries.

17.

As a direct and proximate cause of the aforementioned negligence and strict liability of the defendants, plaintiffs sustained the following, non-exclusive damages:

- a. Mental pain, angulain, and distress past, present and future;
- b. Loss of enjoyment of life, past, present and future;
- Medical expenses past, present and future;
- d. Lost wages past, present and future;
- e. Wrongful death of their father, Tommy Gene Taylor;
- f. Survival action damages of Tommy Gene Taylor,
- Last pain and suffering of Emogene Norion Taylor;
- h. Last mental anguish of Emogene Norton Taylor,
- Any and all other damages to be proven at the trial of this matter.

18.

All defendants are jointly, severally and/or solidarily liable unto plaintiffs for all damages prayed for herein.

19.

Upon information and belief, the Mercury Mountaineer was designed, engineered, tested, manufactured, marketed and sold by Ford Motor Company. Despite the numerous corporate entities related Ford Motor Company and Mercury and their complex corporate structure, it is plaintiffs' intent to place the company and/or other corporate entity responsible for the design, manufacture and warnings associated with the 1998 Mercury Mountaineer on notice of this claim by the filling of this Petition for Damages.

PLAINTIFFS FURTHER PRAY that this matter be tried by jury.

WHEREFORE PLAINTIFFS PRAY that the Defendants be served with a copy of this petition and citation, and after all legal delays and due proceedings had, there be ludgment in favor of the Plaintiffs, TIMOTHY LYLE TAYLOR, SARA CYNTHIA TAYLOR

Paral Korner

CHERRY and BRYAN DANIEL TAYLOR and against Defendants, SHELTON LINCOLN MERCURY LTD, FIRESTONE TIRE & SERVICE, FORD MOTOR COMPANY, BRIDGESTONE AMERICAS HOLDINGS, INC. and COOPER TIRE & RUBBER for compensatory damages in the amount that will fully and adequately satisfy the demands of justice in equity, together with legal interest thereon from the date of judicial demand, until paid, and for all costs of these proceedings.

RESPECTFULLY SUBMITTED:

Respectfully Submitted:

MCKERNAN LAW FIRM

coseph J. McKernery Bar Roll 10027

John H Smith, Ber Roll 23308

8710 Jefferson Highway Baton Rouge, Louisiana 70809

Telephone: (225) 926-1234 Facelmile: (225) 926-1202

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OF CONTRACT.

September 22, 2006

(337) 437-3206 Honorable H. Lynn Jones II Clerk of Court Parish of Calcasieu P. O. Box 1030 Laice Charles, LA 70601

RE: Taylor, et al. v. Shelter Lincoln Mercury, Ltd, et al.

Dear Mr. Jones:

Attached is the Petition for Survival Action and Wrongfal Death Damages we are hereby "fax filing" on behalf of plaintiffs. Please provide us with confirmation of your receipt of mid fax filing at your earliest convenience.

We will forward the originals, along with our firm check within the applicable legal delays.

Sincerely yours,

July 1

JHS/hnk Enc.

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MCKERNAN LAW FIRM A Personal Property Comment

ATTORNEY R

JORDA J. VERICY MAKERIAN 14 A

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CHET G. BOLTINGALY

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John H Smith

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ATTORNIYA JORAN I, "MERY" MAKERNAN" (A A GORDON I MAKERIKAN" JOHN II BARTINA CHRT G. MOUDREAUXA CHRT G. MOUDREAUXA

4710 July ps, Lesleyes, 70(1) less (223) \$36-1354 Pas (223) \$36-1362

OF CHARGE

September 22, 2006

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IHS/hnk Eno.

TIMOTHY LYLE TAYLOR SARA CYNTHIA TAYLOR CHERRY AND BRYAN DANKEL TAYLOR

NO.: a'0010 :0044

14TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF CALCASIEU

SHETLER LINCOLN MERCURY LTD. FIRESTONE TIRE & SERVICE FORD MOTOR COMPANY, BRIDGESTONE AMERICAS HOLDING, INC., and COOPER TIRE AND RUBBER COMPANY

STATE OF LOUISIANA

PETITION FOR SURVIVAL ACTION AND WRONGFUL DEATH DAMAGES

NOW INTO COURT, through undersigned coursel, come Timothy Lyle Taylor, Sara Cynthia Taylor Cherry and Bryan Daniel Taylor, all of whom are of the full age of majority who respectfully aver:

Made defendants herein are:

- SHELTON LINCOLN MERCURY LTD, (hereinafter referred to as (A) "SHELTON") domiciled in the State of Louisiana;
- FIRESTONE TIRE & SERVICE, domiciled in the State of Louislane, located at 3465 Ryan Street, Lake Charles, Louisiene 70605;
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- (D) BRIDGESTONE AMERICAS HOLDING, INC. (hereinafter referred to as "BRIDGESTONE"), domiciled in the State of Nevada, and authorized to do and doing business in the State of Louislana; and
- COOPER TIRE AND RUBBER COMPANY, (hereinalizer referred to as Œ) "COOPER"), domicited in the State of Delaware, and authorized to do and doing business in the State of Louisians.

2

Plaintiffs, TIMOTHY LYLE TAYLOR, SARA CYNTHIA TAYLOR CHERRY and BRYAN DANIEL TAYLOR are the natural from children and were born during the mantage of , the decedents, TOMMY GENE TAYLOR and EMOGENE NORTON TAYLOR. Ë

3.

TIMOTHY LYLE TAYLOR is domiciled in Boulder, Colorado. SARA CYNTHIA TAYLOR CHERRY is domiciled in Austin, Texas. BRYAN DANIEL TAYLOR is domiciled in Louisiana.

4

The decedent, TOMMY GENE TAYLOR, purchased a new, previously untitled, four door 1988 Mercury Mountaineer from defendant, SHELTON.

5

On or about September 22, 2006 at approximately 6:40 p.m., and at all relevant times hereto, TOMMY GENE TAYLOR was operating the Mountaineer in a safe and prudent manner in the left lane of Mississippi Highway 98 East, a four-lane median-divided highway located in the State of Mississippi. EMOGENE NORTON TAYLOR was a seatbelted passenger in the rear middle seat of the Mountaineer. Garcia Bogata was seated in the front passenger seat.

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The aforementioned injuries were caused by a combination of product defects in the 1998 Mercury Mountaineer, which was defective in design, composition and fallure to warn of the inherent dangerous characteristics of the vehicle that is subject to lose of control and stability and a roll-over while operating the vehicle under normal and foresceable conditions, all of which rander the Mountaineer unreasonably dangerous pursuant to the Louisiana Products Liability Act, LSA-R.S. 9:2800.51, at seq., the absence of one or more of which defective conditions would have, more probably than not, prevented the injuries which resulted herein. Said defective

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- In falling to warn users both before and after sale that the Mountaineer was subject to lose of control and stability, which was substantially certain to result in roll-over of the vehicle;
- In the improper and dangerous design of the vehicle;
- In failing to properly test and inepect the vehicle; and
- Other acts and/or ornisatons of negligence which may be further discovered during the trial of this matter.

8.

Defendant, Ford Motor Company, as designers, manufacturers, distributors and sellers, as well as through their marketing of this product, made implied and express warranties that the Explorer was reasonably fit for the general and foreseeable uses and purposes intended and that it was free of any defects in its design or construction.

۵.

Defendant, Shelton Lincoln Mercury LTD marketed and sold the Mountaineer to TOMMY GENE TAYLOR and EMOGENE NORTON TAYLOR.

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reasonably foreseeable driving conditions, the decedents would not have purchased the vehicle.

12

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Upon information and belief, BRIDGESTONE defectively designed and manufactured the two rear tires on the Mountaineer, which contributed to the loss of control of the Mountaineer, the decedents' death and plaintiffs' damages.

16.

Upon information and belief, TOMMY GENE TAYLOR and EMOGENE NORTON TAYLOR survived the initial crash but died thereafter as a result of their injuries.

17.

As a direct and proximate cause of the aforementioned negligence and strict itselfity of the defendants, plaintiffs sustained the following, non-exclusive damages:

- Mental pain, anguish, and distress past, present and future;
- b. Lose of enjoyment of life, past, present and future;
- Medical expenses -- past, present and future;
- d. Lost wages past, present and future;
- e. Wrongful death of their father, Tommy Gene Taylor,
- Survival action damages of Tommy Gene Taylor;
- g. Last pain and suffering of Emogene Norton Taylor;
- h. Last mental angulah of Emogane Norton Taylor;
- Any and all other damages to be proven at the trial of this matter.

18,

All defendants are jointly, severally and/or solidarily liable unto plaintiffs for all damages prayed for herein.

19.

Upon information and belief, the Mercury Mountaineer was designed, angineered, tested, manufactured, marketed and sold by Ford Motor Company. Despite the numerous corporate entities related Ford Motor Company and Mercury and their complex corporate structure, it is plaintiffs' intent to place the company and/or other corporate entity responsible for the design, manufacture and warnings associated with the 1998 Mercury Mountaineer on notics of this ciaim by the filing of this Petition for Damages.

PLAINTIFFS FURTHER PRAY that this matter be tried by jury.

WHEREFORE PLAINTIFFS PRAY that the Defendants be served with a copy of this petition and citation, and after all legal delays and due proceedings had, there be judgment in favor of the Plaintiffs, TIMOTHY LYLE TAYLOR, SARA CYNTHIA TAYLOR CHERRY and BRYAN DANIEL TAYLOR and against Defendants, SHELTON LINCOLN MERCURY LTD, FIRESTONE TIRE & SERVICE, FORD MOTOR COMPANY, BRIDGESTONE AMERICAS HOLDINGS, INC. and COOPER TIRE & RUBBER for compensatory damages in the amount that will fully and adequately satisfy the demands of justice in equity, together with legal interest thereon from the date of judicial demand, until paid, and for all costs of these proceedings.

RESPECTFULLY SUBMITTED:

Respectfully Submitted:

MCKERNAN LAW FIRM

John H Smith, Ber Roll 10027

John H Smith, Ber Roll 23308 8710 Jefferson Highway

Baton Rouge, Louisiana 70809 Telephone: (225) 926-1234 Facsimile: (225) 928-1202

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ATTORNING
JOSEPH & TREET' MORERRAN'; A
COURDEN & MARRINGAN'
THOMAS & WALKER
JOEN H SHATH+
CHET G BOURDEALIX+
DERICK M, WHITTINGTON

1730 Juliuwa Hajinay Saina Reega, Lumbina 1900 Telapinay (22) 924-125 Paz (22) 936-120 -mail: emali@md-maniyelen.am

SCOTT E MADY

September 25, 2006

VIA PEDERAL EXPRESS Honorable H. Lynn Jones, II Clerk of Court, 14th IDC Courthouse, 1000 Rynn Street Lake Charles, LA 70601

> Re: aylor, et al. v. Shelter Lincoln Mercury, Ltd. Suit No. 2006-004413; Div. "B"

Dear Sir/Madem:

Enclosed are an original and one copy of plaintiffs' Petition for Survival Action and Wrongful Death Damages which was previously fix filed, along with our check in the amount of \$205.00. Please file the original into the record and return one conformed copy to me.

Please let me know if you require further information. With kind regards, I am,

Sincerely yours,

McKERNAN LAW FIRM

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ATTYMENTS
ROBERT I "RERY" MAKERNAM"; & A
GORDON I MAKERNAM"
THOMAS L. WALKER
ROSH IS BRITTS
CHET G. BOUIREAINCH
DERRICK M. WRITTSMOTON

8710 Jefferes Highwy Bain Rosge, Loddon 7000 Telephon (25) 936-1294 Pax (22) 936-1294 o mil: maligneticanionferessa

OF COUNSEL

October 2, 2006

Honorable H. Lynn Jones, II Attn: Simone 1000 Ryan Street P. O. Box 1030 Lake Charles, LA 70602-1030

RE: Taylor, et al. v. Shelter Lincoln Mercury, Ltd. Sult No. 2006-004413

Dear Simone:

Per our conversation, enclosed is the completed reporting form.

With kind regards, I am,

Singerally yours,

Heather N. Keller Legal Assistant

/hnk Enc.

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Form: 1233

LETTER FOR BI REPORT

H. LYMN JONES II
CLERK OF COURT AND EX-OFFICIO RECORDER
14TH JUDICIAL DISTRICT COURT OF LOUISIANA
PARISE OF CALCASIEU
LAKE CHARLES, LA 70601

SEPTEMBER 28, 2006

JERRY MCKERNAN 8710 JEFFERSON HIGHWAY BATON ROUGE, LA 70809

RE:

TAYLOR, TIMOTHY LYLE

VERSUS No: 2006-004413

SHETLER LINCOLN MERCURY LTD Date Filed: SEPTEMBER 22, 2006

Dear MR. MCKBRNAN:

Act 723 of the 1988 Regular Session requires that certain information from certain types of lawsuits be submitted to the Commissioner of Insurance for preservation and compilation of statistical information.

Section F of Act 723 requires the attorney for the plaintiff to complete Section A of the reporting form and to file it with the Clerk of Court at the same time the lawsuit is filed. We have not received the reporting form with your lawsuit.

Pursuant to Section F of Act 723, we are attaching a copy of the form to be completed in the above captioned matter. Please complete and return the reporting form to our office as soon as possible so as not to delay the filing and processing of your lawsuit.

PROUP CLARK OF COURT

[Original Copy]

A Professional Linear Labour Company

ATTORNING
DORROLL MERRY MCKERNAN*†; A
OURDON I MEKERNAN*
THOMAS I. WALKER
JOHN II SMITH+
DERRICK M. WHITTINKTON

2710 Jeffesson Elighensy Butten Zerage, [Leichinen 70005 Tribujharan (225) 926-1224 Par (225) 926-1200

OF CORRECT

December 12, 2006

VIA FEDERAL EXPRESS Honorable H. Lynn Jones, II Attn: Simone/Civil Processing 1000 Ryan Street P. O. Box 1030 Lake Charles, LA 70602-1030

Taylor, et al. v. Shelter Lincoln Mercury, Ltd. Suit No. 2006-004413

Dear Simone/Clerk:

ju

Enclosed is our check in the amount of \$500.00 to cover the cost of serving plaintiff's Petition for Survival Action and Wrongful Death Damages on the following defendants:

Shotter Lincoln-Mercury, Ltd.
Through its agent for service of process:
States, Fontenot, Lavergne & Lutz
713 Kirby Street
Lake Charles, LA 70601

Bridgestone Americas Holding, Inc. National Registered Agents, Inc. 1280 Clausel Street Mandoville, LA 70448

Ford Motor Company Through its agent for service of process: C.T. Corporation System 8550 United Plaza Blvd. Baton Rouge, LA 70809 FILED 12130 Ce

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Firestone Tire and Service

a/t/s Firestone Complete Auto Care

a/t/s FFS Retail and Commercial Operations, LLC

Through its agent for service of process:

National Registered Agents, Inc.

1280 Clausel Street

Mandeville, LA 70448

VIA LONG ARM SERVICE (PLEASE RETURN CITATION AND PETITION TO US VIA FEDERAL EXPRESS: ACCOUNT NO. 1218-8444-5)

Cooper Tire & Rubber Company
Through its agent for service of process:

C.T. Corporation System
1300 B. 9th Street
Cleveland, OH 44114

Firestone Tire and Service
a/k/a Firestone Complete Auto Core
a/k/a BFS Retail and Commercial Operations, LLC
Through its agent for service of process:
National Registered Agents, Inc.
1900 Church Street, Ste. 400
Nashville, TN 37203

If you have any questions related to the service of this petition or if additional fees are needed, please contact my legal assistant, Heather Keller at (225) 388-3103.

With kind regards, I am,

Sincerely yours,

JJM/hnk Enc.

12-18-0 la Fred Ex

Pr -p# 134

225-926-1234

Puil:2006-994413, Bate:20061213

P.S. please sall points for the standards regulation of the standards and the standards are the standa